

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-THIRD DAY — MONDAY, MARCH 27, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 97).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Absent, Excused — Conley; Longoria.

Absent — Corte; Gutierrez.

The invocation was offered by Reverend Mike Rinehart, Riverbend Church, Austin, as follows:

Father, today we ask for only three things: to see you more clearly; to love you more dearly; and most of all, to follow you more nearly. In your most gracious name we pray, amen.

The speaker called for a moment of silence in memory of the Honorable Robert E. Johnson, parliamentarian of the senate, who previously represented Dallas County as a house member and later became the parliamentarian of the house and the executive director of the Texas Legislative Council.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of a death in the family:

Longoria on motion of Rodriguez.

The following member was granted leave of absence temporarily for today because of illness in the family:

Conley on motion of Rodriguez.

INTERPRETER FOR THE DEAF

The interpretation of the proceedings of the house was provided today by Sandra Rouse.

CAPITOL PHYSICIAN

Speaker Laney presented Dr. T. Eugene Zachery of Fort Worth as the "Doctor for the Day."

The house welcomed Dr. Zachery and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

Austin, Texas, March 27, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SCR 55 by Zaffirini and Moncrief, requesting the State Medicaid Office to apply for waivers from certain requirements of federal law.

SCR 56 by Zaffirini and Moncrief, requesting the State Medicaid Office to take certain actions relating to the Vendor Drug Program.

SCR 57 by Truan, Moncrief, and Zaffirini, directing the State Medicaid Office not to obtain waivers of certain requirements relating to Federally Qualified Health Centers.

SCR 58 by Moncrief and Zaffirini, requesting that the State Medicaid Office and the Texas Department of Health take certain actions relating to home and community-based services.

SCR 59 by Patterson, Jerry, Moncrief, and Zaffirini, requesting the State Medicaid Office and the Council on Competitive Government to conduct certain studies and audits.

SCR 60 by Nelson, Moncrief, Zaffirini, et al., requesting the State Medicaid Office to study the use of Medicaid funds for the health insurance risk pool and medical savings accounts.

SB 10 by Zaffirini, Moncrief, Montford, Nelson, Patterson, Jerry, et al., relating to development of a health care delivery system under the state Medicaid program that results in cost savings to the state.

SB 149 by Shapiro, et al., relating to the release of information concerning the treatment of a sex offender by a treatment provider, a criminal justice agency, or a local law enforcement authority.

SB 366 by Armbrister, relating to the continuation and functions of the Texas State Library and Archives Commission, including the commissions's involvement with the management of governmental records.

SB 371 by Sims and Armbrister, relating to the continuation and functions of the Texas Food and Fibers Commission.

SB 600 by Zaffirini and Moncrief, relating to the development of certain standards and complaint system guidelines for managed care organizations covering Medicaid clients.

SB 601 by Zaffirini and Moncrief, relating to certain educational programs and support services under a managed care Medicaid program.

SB 602 by Zaffirini and Moncrief, relating to the development and implementation of a computer database to reduce fraud and abuse in the Medicaid program.

SB 603 by Madla, Zaffirini, et al., relating to certain health care providers under a managed care Medicaid program.

SB 604 by Nelson, Zaffirini, et al., relating to a pilot program for the establishment of medical savings accounts to assist Medicaid recipients.

SB 605 by Madla, Zaffirini, et al., relating to the duty of the Texas Department of Mental Health and Mental Retardation to evaluate and revise its sliding fee schedules.

SB 750 by Patterson, Jerry, et al., relating to the creation of a license management program for certain commercial fishing.

SB 776 by Brown, relating to an emergency appropriation from the waste tire recycling fund to the Texas Natural Resource Conservation Commission for the fiscal year ending August 31, 1995.

SB 1172 by Lucio, relating to the exclusion of certain nonirrigated property from certain water districts.

Local and Uncontested Bills

SB 264 by Luna, Gregory, relating to jury service by deaf or hard of hearing persons.

SB 322 by Nixon, Drew, relating to extensions of orders for pen registers or trap and trace devices.

SB 391 by Harris, Chris, relating to recovery from certain insureds of payments made by the Texas Property and Casualty Insurance Guaranty Association.

SB 421 by Wentworth, relating to the transfer of extraterritorial jurisdiction between certain municipalities.

SB 431 by Madla, relating to the punishment for certain criminal offenses committed on the premises of a public transportation system and the prohibition of consumption of alcoholic beverages on the property of certain metropolitan transit authorities.

SB 551 by Harris, Chris, relating to the creation of municipal courts of record in Pantego.

SB 584 by Shapiro and Nelson, relating to the authority of Dallas County Utility and Reclamation District to enter into tax abatement agreements, to designate reinvestment zones and to utilize all functions and procedures of Chapter 312, Tax Code; and validating prior elections and other actions and contracts.

SB 737 by Henderson, relating to exempting court reporting services from the sales and use tax.

SB 753 by Shapiro, relating to the creation of municipal courts of record in Irving.

SB 779 by Luna, Gregory, relating to allowing certain counties to establish a central mailing system.

SB 795 by Harris, Chris, relating to the creation of municipal courts of record and the appointment of magistrates in Mansfield.

SB 796 by Harris, Chris, relating to the creation of municipal courts of record in Burleson.

SB 802 by Harris, Chris, relating to the creation of municipal courts of record in Crowley.

SB 803 by Harris, Chris, relating to the creation of municipal courts of record in Kennedale.

Respectfully,
Betty King
Secretary of the Senate

(Corte and Gutierrez now present)

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of illness:

Willis on motion of H. Cuellar.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Staples on motion of Torres.

HR 483 - ADOPTED

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 483**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Naishtat,

HR 483, Commending Levell L. "Bud" Wheeler on the occasion of his retirement.

The resolution was adopted without objection.

On motion of Representative Greenberg, the names of all the members of the house were added to **HR 483** as signers thereof.

HR 449 - ADOPTED

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 449**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Puente and Rodriguez,

HR 449, Congratulating the East Central High School boys' basketball team.

The resolution was read and was adopted without objection.

On motion of Representative Corte, the names of all the members of the house were added to **HR 449** as signers thereof.

HOUSE BILLS ON FIRST READING

The following house bills were today laid before the house, read first time, and referred to committees:

By Luna, Berlanga, et al.,

HB 3171, A bill to be entitled An Act relating to the exemption of certain chemical dependency programs from licensure requirements.

To Committee on Public Health.

By Price,

HB 3172, A bill to be entitled An Act relating to state assistance for public school facilities.

To Committee on Public Education.

By Saunders,

HB 3173, A bill to be entitled An Act relating to the powers and duties of the Bastrop County Water Control and Improvement District No. 2 relating to the administration of a road utility district in Bastrop County.

To Committee on Natural Resources.

By Coleman,

HB 3174, A bill to be entitled An Act relating to the creation, administration, powers, and duties of the Houston Downtown Management District.

To Committee on State Affairs.

By Denny,

HB 3175, A bill to be entitled An Act relating to the creation, boundaries, purposes, powers, duties, functions, authority, and financing of the Southwest Denton County Road and Utility District.

To Committee on Natural Resources.

By Greenberg and Naishtat,

HB 3176, A bill to be entitled An Act relating to creation of the County Court at Law Number 4 of Travis County.

To Committee on Judicial Affairs.

By Price,

HB 3177, A bill to be entitled An Act relating to the fee for a student center at Lamar University.

To Committee on Higher Education.

By Gray,

HB 3178, A bill to be entitled An Act relating to the certification of providers by health maintenance organizations.

To Committee on Insurance.

By Harris, et al.,

HB 3179, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Clear Creek

Watershed Regional Flood Control District, granting the power of eminent domain, authorizing the issuance of bonds, providing for the levy, assessment, and collection of ad valorem taxes, and providing for a civil penalty.

To Committee on Natural Resources.

By Zbranek,

HB 3180, A bill to be entitled An Act relating to recording of proceedings in a county court at law in Liberty County.

To Committee on Judicial Affairs.

By Munoz,

HB 3181, A bill to be entitled An Act relating to the private practice of law by a judge of a statutory county court of Hidalgo County.

To Committee on Civil Practices.

HOUSE JOINT RESOLUTION ON FIRST READING

The following house joint resolution was today laid before the house, read first time, and referred to committee:

By Price,

HJR 128, A joint resolution proposing the issuance of general obligation bonds for grants to public school districts for school facilities needs or property tax relief.

To Committee on Public Education.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Delisi,

HCR 137, Directing the Texas Department of Health, the Blackland Research Center, the Texas A&M University System, and the Lyndon Baines Johnson School of Public Affairs of the University of Texas to study the current role of local governments in providing public health services.

To Committee on Public Health.

By Nixon,

HCR 139, Endorsing the efforts of the Houston International Sports Committee.

To Committee on Urban Affairs.

By B. Hunter, Luna, Dukes, Serna, et al.,

HCR 142, Directing the Texas Department of Transportation to issue fee-exempt license plates to vehicles owned by the Taipei Economic and Cultural Office.

To Committee on Transportation.

By Goodman,

HCR 143, Designating March 29 of this year and each succeeding year as Love the Children Day in Texas.

To Committee on Rules and Resolutions.

By Willis,

HCR 144, Granting Billy Gee's, Inc., permission to sue the State of Texas and the Texas Department of Transportation.

To Committee on Civil Practices.

By Holzheuser,

HCR 145, Establishing a program whereby loans are made to state agencies, local governments, counties, or special districts to finance alternative fuel projects.

To Committee on Energy Resources.

By Chisum,

HCR 146, Congratulating John Q. and Martha M. Holt on their 50th wedding anniversary.

To Committee on Rules and Resolutions.

By Park,

HR 467, Commending Bill Brown on the occasion of his retirement.

To Committee on Rules and Resolutions.

By Park,

HR 468, Commending Hulin H. "Hoot" Smith on the occasion of his retirement.

To Committee on Rules and Resolutions.

By Combs,

HR 469, Congratulating the Westlake High School girls basketball team.

To Committee on Rules and Resolutions.

By Pitts,

HR 471, Commending Joe Grubbs for his contributions to the people of Waxahachie and Ellis County.

To Committee on Rules and Resolutions.

By Pitts,

HR 472, Commending Jack Hightower on the occasion of his retirement.

To Committee on Rules and Resolutions.

By Ramsay,

HR 473, In memory of Chief Deputy Bobby Biggerstaff.

To Committee on Rules and Resolutions.

By Black,

HR 474, Granting the Sons of the Republic of Texas permission to use the House chamber on April 8, 1995.

To Committee on House Administration.

By Black,

HR 475, Congratulating Glen and Mera Cox on their 50th wedding anniversary.

To Committee on Rules and Resolutions.

By Giddings,

HR 476, Honoring Milton Tobian for his many years of community service.

To Committee on Rules and Resolutions.

By Goolsby,

HR 477, Granting the Tejas Girl Scout Council permission to use the house chamber on June 12, 1995.

To Committee on House Administration.

By Thompson,

HR 478, Honoring Burta Rhoads Raborn on the occasion of her 60th birthday.

To Committee on Rules and Resolutions.

By Edwards,

HR 480, Granting the Education Committee of the Legislative Black Caucus permission to use the house chamber on April 21, 1995.

To Committee on House Administration.

By Coleman, et al.,

HR 481, Honoring the Texas Southern University debate team.

To Committee on Rules and Resolutions.

By Danburg,

HR 482, Commemorating the 20th anniversary of the University of Houston Child Care Center.

To Committee on Rules and Resolutions.

By Black,

HR 484, In memory of Thelma Fletcher.

To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 3 to Committee on Transportation.

SB 11 to Committee on Higher Education.

SB 20 to Committee on State Affairs.

SB 42 to Committee on Public Safety.

SB 48 to Committee on Corrections.

SB 49 to Committee on Juvenile Justice and Family Issues.

SB 60 to Committee on Public Safety.

SB 65 to Committee on State Affairs.

SB 68 to Committee on Criminal Jurisprudence.

SB 97 to Committee on State Recreational Resources.

SB 128 to Committee on Criminal Jurisprudence.

SB 146 to Committee on Corrections.

SB 169 to Committee on Juvenile Justice and Family Issues.

SB 219 to Committee on Energy Resources.

- SB 222** to Committee on Criminal Jurisprudence.
- SB 246** to Committee on State Affairs.
- SB 251** to Committee on Agriculture and Livestock.
- SB 261** to Committee on Urban Affairs.
- SB 279** to Committee on Corrections.
- SB 280** to Committee on Criminal Jurisprudence.
- SB 281** to Committee on Criminal Jurisprudence.
- SB 291** to Committee on Juvenile Justice and Family Issues.
- SB 336** to Committee on Business and Industry.
- SB 351** to Committee on Public Health.
- SB 365** to Committee on State, Federal, and International Relations.
- SB 403** to Committee on Ways and Means.
- SB 409** to Committee on Pensions and Investments.
- SB 417** to Committee on Civil Practices.
- SB 433** to Committee on Juvenile Justice and Family Issues.
- SB 437** to Committee on Transportation.
- SB 438** to Committee on Transportation.
- SB 472** to Committee on Public Safety.
- SB 482** to Committee on Public Health.
- SB 524** to Committee on Civil Practices.
- SB 529** to Committee on Business and Industry.
- SB 560** to Committee on Transportation.
- SB 661** to Committee on Financial Institutions.
- SB 694** to Committee on Higher Education.
- SB 697** to Committee on Transportation.
- SB 699** to Committee on Agriculture and Livestock.
- SB 720** to Committee on Criminal Jurisprudence.
- SB 733** to Committee on State Recreational Resources.
- SB 734** to Committee on State Affairs.
- SB 739** to Committee on Licensing and Administrative Procedures.
- SB 748** to Committee on County Affairs.
- SB 750** to Committee on State Recreational Resources.
- SB 768** to Committee on Appropriations.
- SB 770** to Committee on County Affairs.

SB 774 to Committee on Pensions and Investments.

SB 814 to Committee on State Recreational Resources.

SB 821 to Committee on Ways and Means.

SB 864 to Committee on Pensions and Investments.

SB 885 to Committee on Business and Industry.

SB 971 to Committee on State Affairs.

SB 981 to Committee on Transportation.

SB 1018 to Committee on Land & Resource Management.

SB 1129 to Committee on Transportation.

SB 1420 to Committee on Transportation.

SENATE JOINT RESOLUTIONS ON FIRST READING

The following senate joint resolutions were today laid before the house, read first time, and referred to committee:

SJR 1 to Committee on State Affairs.

SJR 4 to Committee on State Affairs.

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

SCR 16, Requesting the Supreme Court of Texas to promulgate rules for the State Bar of Texas to institute in its continuing education curriculum a program on sexual abuse issues.

To Committee on Judicial Affairs.

SCR 78, Directing the Texas Department of Transportation to monitor the work of the Land Transportation Standards Subcommittee and related working groups.

To Committee on Transportation.

SCR 87, Memorializing the Congress of the United States to increase federal funding for research relating to chronic fatigue syndrome.

To Committee on Public Health.

SCR 97, Expressing appreciation to the partners and supporters of Operation: Defeat Diabetes in Corpus Christi.

To Committee on Rules and Resolutions.

SCR 100, Paying tribute to the life of Louis Booth Williams.

To Committee on Rules and Resolutions.

HR 479 - ADOPTED

Representative Moffat moved to suspend all necessary rules to take up and consider at this time **HR 479**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Moffat,

HR 479, Welcoming students from Toyoma, Japan, visiting Austin in conjunction with the Southlake Sister Cities program.

The resolution was read and was adopted without objection.

HR 485 - ADOPTED

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 485**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Dutton,

HR 485, Honoring Kappa Alpha Psi.

(Stiles in the chair)

The resolution was read and was adopted without objection.

HB 1284 ON SECOND READING

The chair laid before the house, as postponed business, on its second reading and passage to engrossment,

HB 1284, A bill to be entitled An Act relating to the designation of the mental health and mental retardation authority for Cameron County.

HB 1284 was read second time on March 21 and was postponed until 10 a.m. today.

(Speaker in the chair)

HB 1284 was passed to engrossment. (Cook, Heflin, and R. Lewis recorded voting no)

HB 1409 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1409**.

CSHB 1409, A bill to be entitled An Act Relating to children and family issues, including health and human services issues.

CSHB 1409 was read second time.

Representative Chisum raised a point of order against further consideration of **CSHB 1409** on the grounds that **CSHB 1409** violates Rule 4, Section 32, of the House Rules.

The point of order was withdrawn.

Amendment No. 1

Representative Johnson offered the following amendment to **CSHB 1409**:

Amend **CSHB 1409**, SECTION 1., Sec. 72.033(a) as follows:

Strike out "and" at the end of (a)(9) on page 7, line 3.

Strike out "." at the end of line 4, page 7 and insert "; and"

and the following:

(11) an appointee from the Head Start agency.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Madden offered the following amendment to **CSHB 1409**:

Amend **CSHB 1409** as follows:

(1) On page 7, line 3, strike "and".

(2) On page 7, strike line 4 and substitute the following:

"(10) a former recipient of child and family services;

(11) an appointee from the Head Start agency; and

(12) a member of any other entity that submits the proposal for a local commission under Section 72.032(a)."

(3) On page 11, between lines 9 and 10, insert the following:

"(g) The value of an in-kind match of local resources made under Subsection (c)(2) is equal to the fair market value of the resources received, except that personal services may not be valued for any purpose in an amount that exceeds \$12 an hour."

(4) On page 11, between lines 23 and 24, insert the following:

"(c) The value of an in-kind match of local resources made under Subsection (b)(2) is equal to the fair market value of the resources received, except that personal services may not be valued for any purpose in an amount that exceeds \$12 an hour."

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Corte offered the following amendment to **CSHB 1409**:

Amend **CSHB 1409** as follows:

1) On page 5, line 23, after (c) delete ~~The commissions shall adopt the rules governing the certification and operation of local commissions and the method of selection of local commissions members.~~, and add:

The local governing body or bodies which submitted the application for the local commission shall adopt the rules governing selection of members and operation of a local commission.

Representative Hightower moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Chisum offered the following amendment to **CSHB 1409**:

Amend **CSHB 1409** on page 6, lines 16 and 17, by striking existing Subdivision (3) and substituting the following:

"(3) a school superintendent from any participating public school district in the county;"

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Smithee offered the following amendment to **CSHB 1409**:

Amend **CSHB 1409** as follows:

On page 13, between lines 5 and 6, insert the following:

(c) The public awareness program shall not:

(1) provide counselling or referral regarding abortion or abortion services

On line 6, renumber subparagraph (c) accordingly

Amendment No. 5 was adopted without objection. (Danburg recorded voting no)

A record vote was requested.

CSHB 1409, as amended, was passed to engrossment by (Record 98): 87 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Black; Bosse; Brady; Carter; Coleman; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Haggerty; Harris; Hawley; Hernandez; Hightower; Hirschi; Hochberg; Hudson; Hunter, T.; Johnson; Jones, D.; Jones, J.; Junell; King; Lewis, G.; Lewis, R.; Maxey; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Nixon; Oliveira; Park; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wilson; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Brimer; Carona; Chisum; Combs; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Goolsby; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Kamel; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; Moffat; Oakley; Ogden; Pitts; Rabuck; Reyna; Rusling; Shields; Siebert; Smithee; Solomons; Swinford; Talton; Walker; West; Williamson; Wohlgemuth; Woolley; Yost.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Conley; Longoria; Staples; Willis.

Absent — Clemons; Luna.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 98. I intended to vote no.

Nixon

When Record No. 98 was taken, I was in the house but away from my desk. I would have voted no.

Clemons

When Record No. 98 was taken, I was in the house but away from my desk. I would have voted yes.

Luna

HB 1 ON SECOND READING

The speaker laid before the house, on its second reading and passage to engrossment, the complete committee substitute for **HB 1**.

CSHB 1, General Appropriations Bill.

CSHB 1 was read second time.

Amendment No. 1

Representative Junell offered the following amendment to **CSHB 1**:

Amend Article II of **CSHB 1** as follows:

(1) On page II-44, appropriations to the Department of Human Services, delete Rider 11(d), Nursing Home Bed Capacity Planning, and substitute the following rider:

d. Nursing Home Bed Capacity Planning. The department shall not contract additional medicaid beds in counties where the occupancy rate of available beds for each of the previous six months has been less than 85%, unless the additional contracted beds would serve the following populations: persons under the supervision of the Texas Department of Criminal Justice, persons in underserved minority communities, persons in underserved rural communities, or medically underserved populations associated with medical research. The department by rule shall develop a process for the granting of a contract. This restriction shall not apply to beds in hospital facilities which are or could be converted to long-term care beds under the federal "swing-bed" regulations, provided the length of stay is limited to 30 days per year and the hospital is located in a county with a population of 100,000 or less.

Amend Article XI of **CSHB 1** as follows:

(1) On page XI-3, directly below appropriations to the Historical Commission, add the following item and rider:

DEPARTMENT OF INFORMATION RESOURCES

For the Years Ending

August 31, 1996 August 31, 1997

B.1.1. Strategy:

Planning Assistance	879,501	1,709,942
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West Texas Disaster Recovery Center: Out of the funds appropriated in Strategy B.1.1., Planning Assistance, the Department of Information Resources shall allocate \$1.5 million in General Revenue Funds and an estimated \$1.08 million in Interagency Contract Funds for start-up costs and operations to establish the West Texas Disaster Recovery Center and provide assistance to state agencies for disaster recovery plan testing and disaster recovery services.

(2) On page XI-8, appropriations to the Texas Education Agency, delete the word "Rider" from the first item "Rider-Family Support & Education Program" and delete the item "Family/Community Support".

(3) On page XI-10, appropriations to the Higher Education Coordinating Board, add the following item:

For the Years Ending

August 31, 1996 August 31, 1997

Physician Education Loan

Repayment Program	630,000	630,000
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(4) On page XI-12, appropriations to University of Texas at Austin, change the 1996 dollar amount for the "Center for Advanced Studies in Astronomy" from 389,395 to 289,395.

(5) On page XI-13, appropriations to University of Texas at Dallas, delete the item "Formula for Minority Participation".

(6) On page XI-14, appropriations to University of Texas at El Paso, change the 1997 dollar amount for the item "Border Community Health Education Institute" from 150,000 to 250,000.

(7) On page XI-16, appropriations to University of Texas at Tyler, add the following item:

	For the Years Ending	
	<u>August 31, 1996</u>	<u>August 31, 1997</u>
Northeast Texas Network		
(NETnet)	8,480,000	1,870,000

(8) On page XI-16, appropriations to Texas A&M University System, add the following item:

	For the Years Ending	
	<u>August 31, 1996</u>	<u>August 31, 1997</u>
TTVC-West Texas		
A&M University	69,000	69,000

(9) On page XI-18, appropriations to Texas A&M University-Kingsville, delete the item "Wildlife Health Program", and change the 1997 dollar amount for the item "Expanding Engineering Education" from 304,187 to 304,817.

(10) On page XI-20, appropriations to East Texas State University at Texarkana, change the first item reading "North East Texas Initiative (NETI)-M.S. Social Work" to read "North East Texas Initiative (NETI)-B.S. Social Work."

(11) On page XI-23, appropriations to Texas Southern University, add the following item:

Debt service on Tuition Revenue Bonds (\$6,020,000).

(12) On page XI-24, appropriations for Angelo State University, change the 1996 dollar amount for the item "Minority Recruitment and Academic Retention" to read 175,000 instead of 17,5000.

(13) On page XI-25, Appropriations to Southwest Texas State University, add the following item:

	For the Years Ending	
	<u>August 31, 1996</u>	<u>August 31, 1997</u>
Aquatic Genetic Cancer		
Research Lab	175,000	175,000

(14) On page XI-26, appropriations to The University of Texas Southwestern Medical School at Dallas, delete the item "Support for Primary Care Residency Education".

(15) On page XI-29, appropriations to University of Texas Health Science Center at Tyler, change the 1997 dollar amount for the item "Comprehensive Heart and Lung Center" from 1,000,000 to 1,022,500.

(16) On page XI-29, appropriations to Texas A&M University Health Science Center, delete the first eight items: Library, Organized Activities, Scholarships, Texas Public Education Grants, Medical Loans, Academic/Research Support, Medical Education, and Increase in Class Size.

(17) On page XI-30, appropriations to Texas Tech University Health Sciences Center, delete the item "Network Operations".

(18) On page XI-33, appropriations to Texas State Technical College-System Administration, change the 1997 dollar amount for the item "New Programs/Equipment for all Campuses" from 3,000,000 to 1,500,000.

(19) On page XI-33, appropriations to Texas State Technical College-Sweetwater, change the dollar amounts for the item "Rural Technology Center" from 4,219,000 in each year to 345,438 in each year.

(20) On page XI-33, appropriations to Texas State Technical College-Waco, change the dollar amounts for the item "Vocational/Technical Education" from 1,778,000 in each year to 4,219,000 in each year.

(21) On page XI-38, appropriations to Fourth Court of Appeals, San Antonio, change the item "Additional Deputy Clerk III" to read "Additional Deputy Clerk II".

(22) On page XI-40, change the heading for appropriations to Ninth Court of Appeals, Corpus Christi to read Ninth Court of Appeals, Beaumont.

(23) On page XI-41, appropriations to Office of Court Administration, Judicial Council, add the following item:

	For the Years Ending	
	<u>August 31, 1996</u>	<u>August 31, 1997</u>
Information Resource		
Assistance	166,036	162,836

(24) On page XI-42, appropriations to the Judiciary Section, Comptroller's Department, following the words "Grand Total", delete the reference to the Commission on Judicial Conduct and replace it with Judiciary Section, Comptroller's Department.

(25) On page XI-47, appropriations to Soil and Water Conservation Board, change the 1997 dollar amount for the item "Non-point source pollution abatement program" from U.B. to 1,129,270.

(26) On page XI-47, appropriations for Texas Water Development Board, delete the item "New Mexico/TX Treatment Plant Project, Feasibility and environmental assessment work".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Dutton offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article I of the bill by striking all appropriations to the State Preservation Board (house committee report, pages I-66 and I-67).

Representative Clemons moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Brady offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page II-65, related to the Department of Protective and Regulatory Services, by adding the following rider to be numbered accordingly:

Comprehensive Management Audit. Out of the funds appropriated above in Strategy B.I.I. Central Administration, the Department of Protective and Regulatory Services shall contract with an independent auditor for the performance of a comprehensive management audit of the department. The scope, cost and timetable for the audit shall be approved in advance by the

Legislative Budget Board. The audit may include, but not be limited to, identification of changes in management practices necessary to restore the credibility of the department and ensure consistent application of management policies, cost-effective use of allocated human and financial resources, increased accuracy of child abuse and neglect investigations, procedures necessary to annually document deaths resulting from child abuse and neglect in cases reported to the department, incentives necessary to increase the average experience of caseworkers and investigators to five years by the year 2002, and the potential net benefit of creation of an emergency services fund to provide emergency services or items to a child or family served by the department and means for repayment of expenditures from the fund. Results of the audit shall be submitted to the Legislative Budget Board, members of the Texas Legislature and the Health and Human Services Commission upon its completion.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Brady offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page II-65, related to the Department of Protective and Regulatory Services, by adding the following rider to be numbered accordingly:

Child Advocacy Centers. Out of the funds appropriated above in Strategy A.1.3. Purchased Service System, the Department of Protective and Regulatory Services shall reserve a maximum of \$1 million to match local contributions of up to \$1 million on a dollar-for-dollar basis as an incentive to establish 10 new community child advocacy centers. Matching funds of no more than \$50,000 may be offered any one center in each of FY 1996 and FY 1997. These funds may not be offered to child advocacy centers existing prior to March 27, 1995.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Howard offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page III-10 by adding the following at the end of Rider No. 19:

The Commissioner may not transfer funds to regional education service centers to be used to produce textbooks in braille or to be used to compensate a person who is required to register as a lobbyist under Chapter 305, Government Code. None of the money appropriated by this Act may be paid to a regional education service center that compensates a lobbyist in violation of this provision.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Chisum offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, Article III, page III-13, as follows:

1) In rider 40, after the word "Agency" delete ~~"by allocating technical assistance and other non-core functions to the regional education service centers"~~.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Dutton offered the following amendment to **CSHB 1**:

Amend **CSHB 1** by adding, under the appropriations to the Central Education Agency (page III-14), the following appropriately numbered rider:

____. TRANSFERS TO TEXAS YOUTH COMMISSION. For each youth who is enrolled in school when committed to the Texas Youth Commission, the youth shall be counted in the average daily attendance of the school district in which the student was enrolled before being committed to the Texas Youth Commission for the sole purpose of determining the district's foundation school fund entitlement. The commissioner of education shall withhold from the district's foundation school fund allocations an amount equal to the amount attributable to that youth, and transfer that amount to the Texas Youth Commission to be expended in the provision of educational programs in TYC-operated schools. The transfer required by this section may not reduce the amount to which a school district is otherwise entitled.

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representatives Coleman and Edwards offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) In Article III of the bill, under the appropriations to the University of Houston, strike rider 2, "Coordination of Services" (house committee report, page III-84).

(2) In Article III of the bill, under the appropriations to Texas Southern University, strike rider 4, "Coordination of Services" (house committee report, pages III-105 and III-106).

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Gray offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) In Article III of the bill, in the appropriations to the University of Texas Medical Branch at Galveston (house committee report, page III-125), strike the appropriation for Strategy D.1.2. (relating to the Department of Criminal Justice Hospital) for both fiscal years.

(2) Adjust totals and methods of financing accordingly.

Amendment No. 9 was adopted without objection.

(Seidlits in the chair)

Amendment No. 10

Representatives H. Cuellar and Haggerty offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article V of the bill by adding the following appropriately numbered rider at the end of the appropriation to the Department of Criminal Justice (house committee report, page V-26):

____. FACILITY FOR USE OF INSTITUTIONAL DIVISION.

The Texas Department of Criminal Justice ("TDCJ") is authorized to use lease/purchase financing and to contract with a qualified private vendor to design, construct, operate and manage a 1500 bed facility for the use of the Institutional Division ("ID") of the TDCJ, pursuant to the operational lowest cost per diem per bed received by the TDCJ-ID in response to its last 1500 to 2000 bed facility request for proposals. The Texas Board of Criminal Justice, in consultation with the lowest bidder, is authorized to select a site for the proposed facility. The TDCJ-ID may require the vendor to upgrade the level of operational services, management services, facility design and site location to meet TDCJ standards for the classification of inmates to be placed in the facility.

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Swinford offered the following amendment to **CSHB 1**:

Amend **CSHB 1**:

Commission on Fire Protection, page V-29

Add new rider #6:

Funds appropriated above may be used to purchase for resale patches, signs, books, audio tapes and video tapes. Funds received from sale of such items shall be re-appropriated to the Texas Commission on Fire Protection to purchase additional items for re-sale.

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representative Howard offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page III-10 by adding the following at the end of Rider No 19:

The Commissioner may not transfer funds to regional education service centers to be used to produce textbooks in braille if textbooks can be obtained at a lower cost from a private provider.

Amendment No. 12 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Safety, Subcommittee on **HB 620**, postponed from today on adjournment to 30 minutes after adjournment Monday, April 3, to consider **HB 620**.

CSHB 1 - (consideration continued)

Amendment No. 13

Representative Thompson offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, Article V (Texas Youth Commission) on page V-55, by adding paragraph 18 as follows:

18. Mentoring program contracts. It is the intent of the Legislature that the Texas Youth Commission double the number of juveniles served in FY 1994 under mentoring program contracts by the end of Fiscal Year 1997. The board shall have the authority to divert funds for this purpose from any appropriation, gift, donation or federal foster care claim, not to exceed 2 million dollars, to achieve the goal of doubling the number of children enrolled in a mentoring program similar to those now funded through the Youth Commission and administered by Mentor Clinical Care, Inc.

Amendment No. 13 was adopted without objection.

Amendment No. 14

Representative R. Lewis offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page VI-28, appropriation to the Texas Natural Resource Conservation Commission, by striking existing Rider 18 and substituting a new Rider 18 to read as follows:

18. Fee Appropriation: Auto Emission Inspection Exemptions. Pursuant to Section 382.037, Health and Safety Code, the Texas Natural Resource Conservation Commission is hereby appropriated, in addition to the amounts appropriated above, any fees established to recover the direct cost of reviewing applications to exempt individual vehicles from automobile emission inspection requirements and fees established to recover the direct cost of providing for voluntary certification of individuals with adequate training in repairing automotive emission control equipment. The agency shall publish in the Texas Register the methodology and reimbursement rates for fees established to recover costs prior to implementing this fee structure.

Amendment No. 14 was adopted without objection.

Amendment No. 15

Representative Chisum offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, Article VI, page VI-30 as follows:
Under the heading "PARKS AND WILDLIFE DEPARTMENT" delete the following:

~~B.2.1 Strategy: PUBLIC LANDS ACQUISITION \$211,649 \$211,649
Develop and open new lands. Acquire identified
priority natural, cultural and recreational resources.~~

Amendment No. 15 was withdrawn.

Amendment No. 16

Representative Kubiak offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page VII-5:

Department of Commerce: Amend Rider 6 by deleting the last sentence.
The new language will read as follows:

6. Small Business Incubator and Product Development Bonds. The Department of Commerce is hereby appropriated fee revenue and bond proceeds necessary for administration and payment of debt service for the small business incubator and product development programs as authorized by the Texas

Constitution, Article XVI, Section 71, and the Vernon's Texas Code Annotated, Government Code, Chapter 481.

Amendment No. 16 was withdrawn.

Amendment No. 17

Representative Dutton offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, Department of Housing and Community Affairs, pg. VII-19:

Add the following new rider:

Low Income Housing Construction. Out of the funds appropriated above, not less than \$500,000 each year of the biennium shall be expended on low income housing construction in enterprise zone areas.

Amendment No. 17 was adopted without objection.

Amendment No. 18

Representative Pitts offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

In Article VII, under the appropriations to the Texas Lottery Commission, add the following appropriately numbered rider on page VII-21:

_____. CONTINGENT APPROPRIATION FOR **HB 327** and **HB 548**. Contingent on the passage and becoming law of **HB 327** or **HB 548** by the 74th Legislature at its regular session, in addition to other amounts appropriated by this Act, all unclaimed lottery prize winnings from fiscal year 1995 or a fiscal year in the biennium ending August 31, 1997, are appropriated as provided by this provision. If **HB 548** becomes law, the sum of \$2 million from the unclaimed winnings is appropriated to the Central Education Agency for the fiscal biennium ending August 31, 1997, for the implementation of that Act. If **HB 327** becomes law, all unclaimed winnings not appropriated to the Central Education Agency are appropriated to the Texas Youth Commission for that period for the implementation of that Act. The Texas Youth Commission shall transfer a portion of the amount received by the commission under this provision to the Juvenile Probation Commission pursuant to a memorandum of understanding between the agencies.

Amendment No. 18 was adopted without objection.

Amendment No. 19

Representative Kubiak offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, page VIII-35:

Proposed Rider

Texas Department of Insurance

Consumer Education. The Texas Department of Insurance shall cooperate with the Office of Public Insurance Counsel to develop consumer education brochures. The Office of Public Insurance Counsel shall have the opportunity to provide comments during the design phase of each brochure. The Department shall establish routine procedures for the necessary interagency cooperation to publish such brochures.

Amendment No. 19 was adopted without objection.

Amendment No. 20

Representative Yarbrough offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

In Article IX of the bill, under Other Employment Policies and Provision, add the following appropriately numbered section on page IX-43:

Sec. ____ NUMBER OF AGENCY EMPLOYEES. Notwithstanding any estimate of or limitation on the number of full-time equivalent employees under the appropriations to a state agency under this Act, an agency subject to Chapter 654, Government Code, may employ a number of full-time equivalent employees that does not exceed the number approved for the agency under Chapter 654, in addition to any exempt employees authorized for the agency.

Representative Heflin moved to table Amendment No. 20.

The motion to table prevailed.

(Speaker in the chair)

Amendment No. 21

Representative Johnson offered the following amendment to **CSHB 1**:

On page IX-112, amend **CSHB 1** as follows:

(1) In contracting for professional services using funds appropriated under this Bill, a state agency shall require the contractor to "Buy Texas" products and materials when they are available at a comparable price and in a comparable period of time.

Amendment No. 21 was adopted without objection.

Amendment No. 22

Representative Maxey offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article IX of the bill by adding the following appropriately numbered rider (house committee report, page IX-112):

____. TRANSFERS FROM STATE AGENCIES. Contingent on the passage of **HB 1925**, Acts of the 74th Legislature, Regular Session, and in order to implement that Act, a fee shall be assessed to each state agency pursuant to Section 656.064, Government Code at the rate of \$.75 per full time equivalent employee. Each agency shall report the number of full time equivalent employees and the amount to be transferred by the Comptroller on September 1 of each fiscal year based on procedures established by the Comptroller. The amount specified in the report shall be transferred by the Comptroller's Office from each agency's appropriation to an account of the Governor's office designated by the Comptroller. The Comptroller shall advise agencies of the procedures to be used to accomplish this transfer. Such amount shall be transferred as soon as practical at the beginning of each fiscal year of the biennium and shall be used for the administration of Chapter 656, Subchapter D, Government Code for the operation of the State Agency Human Resources Center. Amounts transferred pursuant to this rider are hereby appropriated to the Governor's Office.

Amendment No. 22 was withdrawn.

Amendment No. 23

Representative Heflin offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) On page IX-98, General Provisions of Article IX, amend Section 135 by substituting the following:

Sec. 135. Reductions in Appropriations: Reduced State Employment.

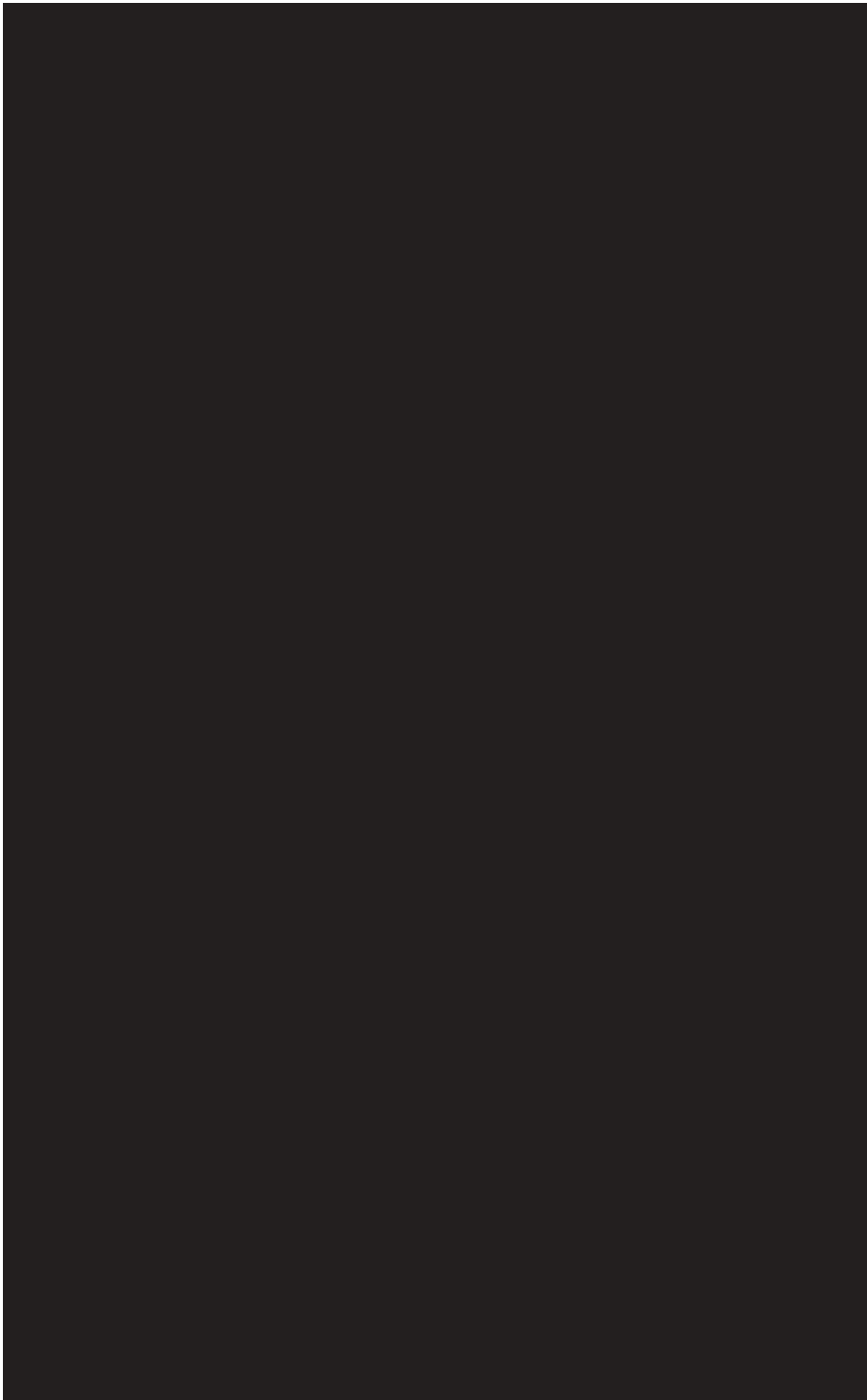
1. It is the intent of the Legislature that the recommendations developed by the Texas Performance Review (TPR) and described in Gaining Ground as recommendation EI 1, Reduce State Government Employment and Curb Future Growth, be adopted and implemented by each state agency and each institution of higher education. In order to achieve an identifiable General Revenue Fund savings of \$324.7 million during the 1996-97 biennium each state agency and each institution of higher education shall:

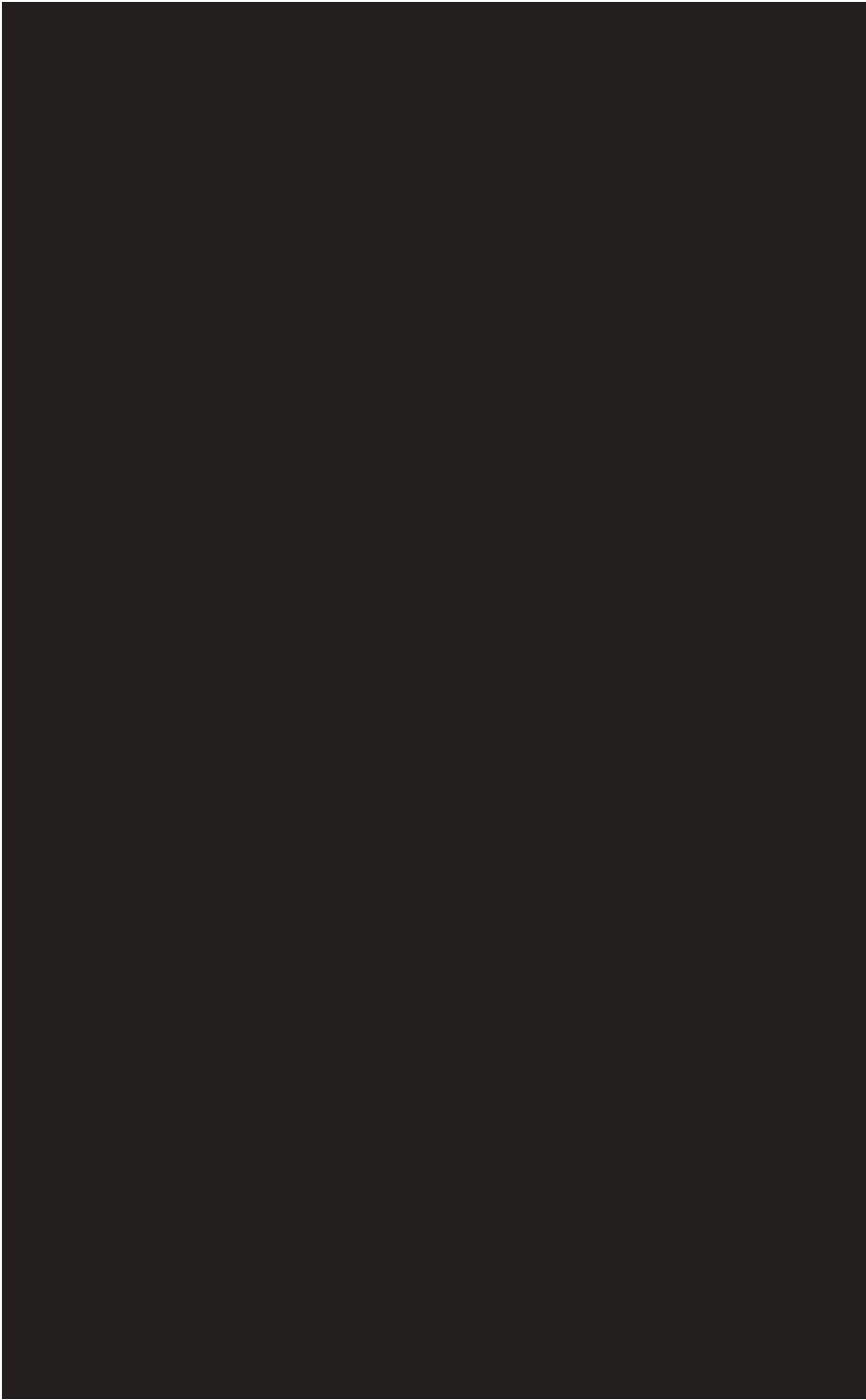
a. reduce employment levels by reducing the number of managers and supervisors or

b. implement one or more of the agency downsizing strategies indicated in the Gaining Ground recommendation EI 1 so that by February 25, 1996 its number of full time equivalent employees does not exceed the average number of full time equivalent employees indicated in the schedule below.

2. The Comptroller of Public Accounts is hereby directed to reduce the appropriations made by this Act to the indicated agencies and institutions of higher education by the amounts and for the years indicated below:





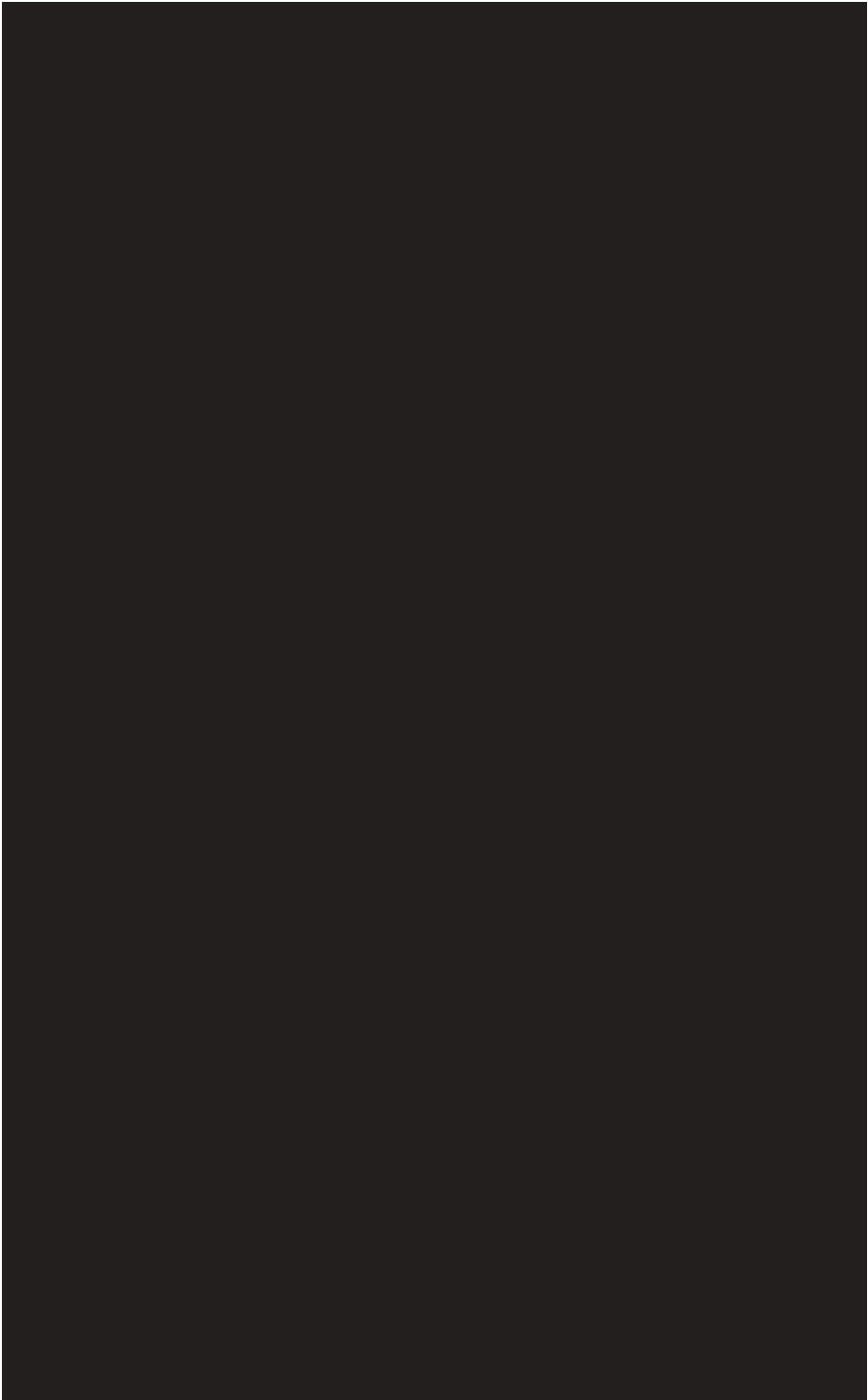
















Amendment No. 23 was adopted without objection.

Amendment No. 24

Representative Heflin offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) On page IX-107, delete Section 136.

Amendment No. 24 was adopted without objection.

Amendment No. 25

Representative Shields offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) In Article III, under the appropriations to the Central Education Agency, strike the sums appropriated for each strategy under Goal B and each strategy under Goal C (page III-5) for each year, substituting for each of those strategies a sum equal to 25 percent of the sum appropriated, and adjusting totals and methods of financing from general revenue accordingly.

(2) In Article III, under the appropriations to the Teacher Retirement System of Texas, reduce the appropriation under Item A.2.2. by \$8,500,000 for each year of the fiscal biennium.

(3) In Article III, under the appropriations to the Teacher Retirement System of Texas, add the following appropriately numbered rider on page III-27:

_____. APPROPRIATION TO TRS CARE-3. In addition to other appropriations made by this Act to the Teacher Retirement System of Texas, the sum of \$34,000,000 is appropriated from the general revenue fund to the Teacher Retirement System of Texas for the fiscal biennium ending August 31, 1997, for the purpose of reducing retiree insurance premium costs related to participation in TRS CARE-3.

(Conley now present)

Representative Ogden moved to table Amendment No. 25.

The motion to table prevailed. (Howard and Rabuck recorded voting no)

Amendment No. 26

Representative Thompson offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article VI of the bill by adding the following appropriately numbered rider at the end of the appropriation to the Water Development Board (house committee report, page VI-53):

_____. **GRANT TO TIDWELL TIMBERS MUNICIPAL UTILITY DISTRICT.** If the Water Development Board gives a grant to any municipal utility district for the purpose of retiring all or part of the indebtedness of the municipal utility district, the first grant shall be granted to the Tidwell Timbers Municipal Utility District.

Amendment No. 26 was adopted without objection.

Amendment No. 27

Representative Uher offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, Article I-66, delete items A.1.1, A.2.1, A.3.1 and adjust the method of financing.

Amendment No. 27 was adopted.

MESSAGE FROM THE SENATE

Austin, Texas, March 27, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HCR 135 by Chisum, (Sponsor-Turner, Jim), commending the Reverend Neal Thomas Jones, Sr.

SCR 101 by Patterson, Jerry, designating the battleship Texas as the official State Ship of Texas.

SB 5 by Bivins, relating to state financing of public school facilities.

Respectfully,
Betty King
Secretary of the Senate

CSHB 1 - (consideration continued)

Amendment No. 28

Representative Howard offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page III-10 by adding the following at the end of Rider No. 19:

No funds appropriated to regional education service centers may be used to compensate a person who is required to register as a lobbyist under Chapter 305, Government Code. None of the money appropriated by this Act may be paid to a regional education service center that compensates a lobbyist in violation of this provision.

Amendment No. 28 was adopted without objection.

Amendment No. 29

Representative Rodriguez offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page III-14, appropriations to the Central Education Agency, by adding a new Rider No. ____ to read as follows:

None of the funds appropriated above may be used to pay state or national school board dues.

Amendment No. 29 was adopted without objection.

Amendment No. 30

Representatives Berlanga, T. Hunter, and Ogden offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article III of the bill by adding the following appropriately numbered rider (house committee report, page III-199);

_____. No funds appropriated to a health related institution of higher education shall be used to replace or duplicate the Driscoll Children's Hospital in caring for children with special health-care needs, including pediatric cardiovascular diseases, or in assuming the direct care of those children.

Amendment No. 30 was adopted without objection.

Amendment No. 31

Representative Madden offered the following amendment to **CSHB 1**:

Amend **CSHB 1** on page IV-26 (house committee report) by striking the second to the last sentence of Rider No. 2 and adding the following to the end of Rider No. 2:

Contingent on the passage of **SB 1075**, 74th Legislature, Regular Session, the sum of \$160,000 in fiscal year 1996 and \$160,000 in fiscal year 1997 is transferred to the Texas Ethics Commission from the general revenue funds appropriated above in Item 10 (Public Integrity Unit in the District Attorney's Office of the Fifty-third Judicial District) to be used for the purposes provided by **SB 1075**.

Amendment No. 31 was withdrawn.

Amendment No. 32

Representative Craddick offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

In Article VI, under the appropriations to the Railroad Commission, strike Item C.1.1. Strategy and Outputs (page VI-38).

Amendment No. 32 was adopted without objection. (The vote was reconsidered later today and Amendment No. 32 was amended by Amendment No. 50.)

Amendment No. 33

Representative Johnson offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

In Article VII, under the appropriations to the Department of Transportation, add the following appropriately numbered rider on page VII-30:

_____. TOURIST BUREAU. The Department of Transportation shall design and construct, from amounts appropriated to the department under Item b. (Construction of Buildings and Facilities) of its capital budget, a tourist bureau on State Highway 21 across from the Louisiana state line in the immediate vicinity of Toledo Bend in cooperation with the United States Forest Service, the Sabine River Authority, and Sabine County. The project shall include a feasibility study to be completed by September 1996 and shall be operational by May 1998.

Amendment No. 33 was adopted without objection.

Amendment No. 34

Representative Hilbert offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) In Article III, add the following appropriately numbered rider under the Special Provisions Relating Only to State Agencies of Higher Education on Page III-199:

_____. PARTICIPATION IN RESEARCH PROJECTS. A public university may not expend funds appropriated by this Act, including appropriations of grants or gifts, to conduct a research study or a drug development protocol involving a person who is receiving court-ordered mental health services under Chapter 574, Health and Safety Code.

(2) In Article II, under the appropriations to the Department of Mental Health and Mental Retardation, strike Rider No. 41 (Page II-58).

Amendment No. 34 was adopted without objection.

Amendment No. 35

Representatives Solomons and Combs offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) In Article III of the bill, under the appropriation to the University of North Texas (house committee report, page III-99), reduce the appropriation for Strategy A.3.4 by \$287,707 for the fiscal year ending August 31, 1996 and reduce the appropriation for Strategy A.3.4 by \$287,707 for the fiscal year ending August 31, 1997.

(2) In Article III of the bill, under the appropriation to the University of North Texas (house committee report, page III-99), increase the appropriation for Strategy A.3.2 by an additional \$287,707 for the fiscal year ending August 31, 1996 and increase the appropriation for Strategy A.3.2 by an additional \$287,707 for the fiscal year ending August 31, 1997.

(3) In Article III of the bill, add the following appropriately numbered rider

after the appropriation to the University of North Texas (house committee report, page III-101):

_____. TEXAS ACADEMY OF MATHEMATICS AND SCIENCE. Notwithstanding any other provision of this Act, the University of North Texas may not transfer money appropriated under Strategy A.3.2, for the purpose of funding the Texas Academy of Mathematics and Science, to another purpose.

(4) In Article XI of the bill, under the provisions for the University of North Texas (house committee report, page XI-22), strike "Texas Academy of Mathematics and Science - replace the 20% reduction" and substitute "Additional amounts for Formula Funding Hold Harmless".

(5) Adjust totals and methods of financing accordingly.

Amendment No. 35 was adopted without objection.

Amendment No. 36

Representative Zbranek offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) In Article III of the bill, under the appropriations to the Teacher Retirement System of Texas and optional retirement programs:

(A), increase the appropriations under Item A.1.1. (page III-25) by \$384.8 million for the biennium, allocated proportionately to the amounts currently appropriated for each fiscal year;

(B) under the explanation for that item, change the TRS state contribution rate to 7.31 percent for each fiscal year of the biennium; and

(C) adjust totals accordingly on page III-26.

(2) In Article III of the bill, in Rider No. 3 under the appropriations to the Teacher Retirement System and optional retirement program (page III-26), strike "6.00%" and substitute "7.31%".

(3) In Article IX of the bill, at the end of "Other Provisions" (page IX-112), add the following appropriately numbered section:

Sec._____. DELAY OF PAYMENT AND APPROPRIATIONS DISBURSEMENT FOR PUBLIC EDUCATION. The comptroller shall withhold \$192.4 million in payments to school districts from the foundation school fund for August 1997 and make the payments on September 1, 1997. The amount withheld under this section from an individual school district shall be in the proportion that the district's payments for the fiscal year ending August 31, 1997, bears to the total payments made to all school districts from the fund for that year.

(4) In Article II, under the appropriations to the Commission on Alcohol and Drug Abuse, reduce the appropriations for Item A.1.3 (page II-5) by \$11,152,915 for the fiscal year ending August 31, 1996 and by \$11,512,043 for the fiscal year ending August 31, 1997.

(5) In Article II, under the appropriations to the Department of Health, reduce the appropriations Under Item A.3.1. (page II-20) by \$6,920,622 for fiscal year ending August 31, 1996, and by \$6,920,622 for the fiscal year ending August 31, 1997.

(6) In Article III, under the appropriations to the Central Education Agency, reduce the appropriations for Item A.3.1. (page III-2) by \$48,322,250 for the fiscal year ending August 31, 1996, and by \$53,101,520 for the fiscal year ending August 31, 1997.

(7) In Article V, under the appropriations to the Department of Criminal Justice, reduce the appropriations for Item C.2.4. page V-13) by \$22,151,535 for the fiscal year ending August 31, 1996, and by \$22,948,772 for the fiscal year ending August 31, 1997.

(8) In Article VI, under the appropriations to the Natural Resource Conservation Commission, reduce the appropriations for Item A.2.1. (page VI-18) by \$5,622,643 for the fiscal year ending August 31, 1996, and by \$5,997,643 for the fiscal year ending August 31, 1997.

Representative Junell raised a point of order against further consideration of Amendment No. 36 on the grounds that Amendment No. 36 violates Rule 8, Section 4, of the House Rules.

The speaker sustained the point of order.

Amendment No. 37

Representative Raymond offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) On page VIII-61, appropriations to the Texas Racing Commission, reduce Strategy A.3.1., Texas Bred Incentive Fund, by \$1,250,000 in fiscal year 1996 and by \$1,250,000 in fiscal year 1997. On page VII-16, appropriations to the Texas Department of Housing and Community Affairs, increase Strategy C.1.1. Poor and Homeless Program Coordination, by like amounts.

(2) On page VIII-62, appropriations to the Texas Racing Commission, delete the second sentence of Rider 3, which appropriates all receipts from the Texas Bred Incentive Program to the Racing Commission. The amended rider will read as follows:

3. Appropriation: Track Official Fees. All revenues received from racetracks by the Texas Racing Commission for the purpose of paying track officials' fees are hereby appropriated to the Commission for that purpose.

(3) On page VII-19, appropriations to the Texas Department of Housing and Community Affairs, add a new Rider 10 to read as follows:

10. Contingency: Federal Homeless Funds. Out of the general revenue funds appropriated above in Strategy C.1.1., Poor and Homeless Program Coordination, \$1,250,000 in each fiscal year of the 1996-97 biennium are contingent upon the enactment of a federal Homeless Block Grant program or similar federal program which requires the state to provide a 5% match to draw down federal funds.

Amendment No. 37 was withdrawn.

Amendment No. 38

Representative Haggerty offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) In Article VI, Texas Natural Resources Conservation Commission, delete Rider #26 and insert in lieu thereof:

26. Contracts for Professional Services: Indemnification. In contracting for professional services under Subchapter A, Chapter 2254, Government Code, using funds appropriate under this Act, the Texas Natural Resources

Conservation Commission may require the contractor to save harmless the State and its officers and employees from all claims and liability due to activities of the contractor, its agents, or employees, performed under the contract and which are caused by or result from an error, omission, or negligent act of the contractor or any person employed by the contractor. The commission may also require the contractor save harmless the State and its officers and employees from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting said claims or liabilities which might be imposed on the State as the result of such activities by the contractor, its agents, or employees. The Commission may not require the contractor to assume responsibility for the negligent acts of the Commission or its employees or agents.

(2) In Article IX, General Provisions, delete Sec. 156 and insert in lieu thereof:

Sec. 156. Contracts for Professional Services: Indemnification. In contracting for professional services under Subchapter A, Chapter 2254, Government Code, using funds appropriate under this Act, a State agency may require the contractor to save harmless the State and its officers and employees from all claims and liability due to activities of the contractor, its agents, or employees, performed under the contract and which are caused by or result from an error, omission, or negligent act of the contractor or any person employed by the contractor. The agency may also require the contractor to save harmless the State and its officers and employees from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting said claims or liabilities which might be imposed on the State as the result of such activities by the contractor, its agents, or employees. The State agency may not require the contractor to assume responsibility for the negligent acts of the agency or its employees or agents.

Amendment No. 38 was adopted without objection.

Amendment No. 39

Representative Alonzo offered the following amendment to **CSHB 1**:

Amend **CSHB 1** by adding the following new rider on page III-14:

Out of the GR funds appropriated above in Strategy A.2.2 Professional Staff Development \$2,000,000 each year of the biennium shall be for Bilingual education teacher training in North Texas.

Representative Ogden moved to table Amendment No. 39.

The motion to table prevailed.

Amendment No. 40

Representative Hirschi offered the following amendment to **CSHB 1**:

Amend **CSHB 1** by adding the following appropriately numbered rider in Article IX of the bill (house committee report, page IX-112):

Sec. _____. Parking Facilities for Bicycles. Each state agency that has charge and control of a state facility may use gifts and donations to provide ample, secure, and convenient bicycle parking for employees in and visitors to the facility.

Amendment No. 40 was adopted without objection.

Amendment No. 41

Representative Serna offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article XI of the bill by adding the following appropriately numbered rider at the end of the appropriation to the Texas Historical Commission (house committee report, page XI-3):

_____. **YSLETA CULTURAL CENTER.** From funds appropriated to the Texas Historical Commission by this Act, the Texas Historical Commission shall use the sum of \$1 million each year of the fiscal biennium for the purpose of financing the construction and restoration of structures on the historic site opposite the Ysleta Mission to provide a cultural center.

Amendment No. 41 was adopted without objection.

Amendment No. 42

Representatives Alonzo, Rodriguez, Bailey, Tillery, Ehrhardt, Davis, Torres, Farrar, Davila, H. Cuellar, Van de Putte, Solis, Luna, S. Turner, G. Lewis, Rangel, Berlanga, and R. Cuellar offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

On page XI-8, appropriations to the Texas Education Agency. Reduce State funded staff development days by \$5,000,000 each fiscal year and add a new item "Bilingual Education Teacher Training" at \$5,000,000 each fiscal year.

Amendment No. 42 was adopted without objection.

Amendment No. 43

Representative Gutierrez offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) On page XI-8, under the appropriation to the Texas Education Agency, add a new item entitled Mentor School Program, with an appropriation of \$1.25 million for the year ending August 31, 1996, and \$1.25 million for the year ending August 31, 1997.

(2) On page XI-8, under the appropriation to the Texas Education Agency, subtract from the item entitled Leadership and Support, \$1.25 million for the year ending August 31, 1996, and \$1.25 million for the year ending August 31, 1997.

Amendment No. 43 was adopted without objection.

Amendment No. 44

Representative Alonzo offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) On page XI-8, Central Education Agency, decrease the item "State Funded Staff Development Days" by a total of \$1,000,000 in 1996 and \$0 in 1997.

(2) On page XI-13, University of Texas at Dallas, add a new item "Mexican American Studies Department" in the amount of \$1,000,000 in 1996 and U.B. in 1997.

Amendment No. 44 was withdrawn.

Amendment No. 45

Representative Serna offered the following amendment to **CSHB 1**:

Amend **CSHB 1** in Article XI of the bill by adding the following appropriately numbered rider at the end of the appropriation to the Texas Education Agency (house committee report, page XI-9):

_____. GRANTS FOR COMMUNITY EDUCATION; CONTINGENCY APPROPRIATION FOR **HB 531**. Contingent on enactment of **HB 531** or similar legislation by the 74th Legislature, Regular Session, the sum of \$250,000 for each year of the fiscal biennium shall be allocated for community education. In the Article XI appropriation to the Texas Education Agency under the item entitled Leadership and Support, the sum of \$250,000 is subtracted for each year of the fiscal biennium.

Amendment No. 45 was adopted without objection.

Amendment No. 46

On behalf of Representative Van de Putte, Representative Junell offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

(1) On Page XI-45, appropriations to the Department of Public Safety, add the following amounts to the item "DNA Testing": \$1,600,000 in 1996 and \$600,000 in 1997.

Amendment No. 46 was adopted without objection.

Amendment No. 47

Representative Ramsay offered the following amendment to **CSHB 1**:

Amend **CSHB 1** as follows:

In Article XI of the bill, under the provisions for the Texas Department of Transportation (house committee report, page XI-48), add the following as a new paragraph under the rider entitled "Public Transportation Financing":

In addition to other amounts appropriated by this Act for public transportation, an amount not to exceed \$2,500,000 is appropriated to the Texas Department of Transportation for the purpose of being granted by the department to rural rail districts to support and promote public transportation under Strategy A.1.7.

Amendment No. 47 was adopted without objection.

Amendment No. 48

Representative Chisum offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, Article XI, page XI-5, as follows:

Under the heading "DEPARTMENT OF HEALTH" delete the line that reads as follows:

~~Sexually Transmitted Diseases (HIV) 7,302,200 9,793,500~~

Representative McDonald moved to table Amendment No. 48.

The motion to table prevailed. (Corte, Kubiak, and Kuempel recorded voting no)

Amendment No. 49

Representative Chisum offered the following amendment to **CSHB 1**:

Amend **CSHB 1**, Article XI, page XI-5, as follows:

Under the heading "DEPARTMENT OF HEALTH" delete the line that reads as follows:

Family Planning	1,500,000	1,500,000
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Representative Berlanga moved to table Amendment No. 49.

The motion to table prevailed. (Corte, Kubiak, and Kuempel recorded voting no)

Representative Craddick moved to reconsider the vote by which Amendment No. 32 was adopted earlier today.

The motion to reconsider prevailed.

Amendment No. 50

Representative Raymond offered the following amendment to Amendment No. 32:

Amend the Craddick amendment to **CSHB 1** by adding the following at the end of the amendment:

In Article VII, under the appropriations to the Department of Housing and Community Affairs, add the following appropriately numbered rider (page VII-19):

_____. **FEDERAL HOMELESS FUNDS.** In addition to other amounts appropriated by this Act to the Department of Housing and Community Affairs, the sum of \$1,250,000 is appropriated from the general revenue fund to the department for each year of the fiscal biennium, contingent on the enactment of a federal Homeless Block Grant program or a similar federal program that requires the state to provide a five percent match to receive federal funds.

Amendment No. 50 was adopted without objection.

Amendment No. 32, as amended, was adopted.

CSHB 1 - REMARKS BY REPRESENTATIVE SADLER

Members. Today I want to talk to you about the education of your children and what this bill does or doesn't do.

First, let me say to the Appropriations Committee, to Chairman Junell, and to Vice Chair Delisi: I know, to some extent, how difficult it is to put together a very complex bill. We're working on one and I appreciate the effort that's been put forward. But, I want to say one thing about the priorities of our state.

We just went through an election, folks, and in that election the people of our state said that there were two things that we need to do. One, is we've got to do something about juvenile crime, and two, we've got to do something about public education.

The juvenile crime bill that you had before you the other day, that we voted out of here, was two million dollars short, wasn't it? We all know that. We changed it, we made it permissive.

The education bill—this bill—the appropriations bill, in the area of public education, does nothing for alternative education. That's where you put your discipline kids. What all of you ran on. What the governor ran on. What we all talked about. It ties in directly with that juvenile bill a while ago. It's on the wish list here. Does that really reflect what we want? To wish we would do something about discipline in our schools?

It's a fifty million dollar proposal. Fifty million.

Pay raises for teachers. How many of you know the last time we gave a pay raise to our teachers? Do you know that a DPS trooper starts out in this state at over \$30,000 a year? We start our teachers at \$17,000. Now, I don't mean to take anything away from DPS, but our teachers have the future of our state in their hands, too. A pay raise is on the wish list. Is that what you really want?

Health insurance benefits. Do you know that we don't provide health insurance benefits for teachers? But, did you know that we do for community junior college employees? When are we going to do something about that for our teachers?

Facilities—\$170 million. Saturday I went to Brownsville at the request of Representative Oliveira. There are 1,400 temporary buildings in Brownsville, Texas. Fourteen hundred. The \$170 million facilities bill that was first introduced in the Senate—Brownsville got forty-seven dollars. Forty-seven dollars. Not forty-seven dollars per pupil. And now we go in TRS from 7.3 to 6 and a point of order called.

I just simply ask a question for you. Because this issue is not over with and Chairman Junell has been very good in telling me that we are going to continue to discuss education and the funding of education and we're going to continue to talk about it while it is in conference, if this bill goes to conference.

But, I ask the question: When will we stand up and do what is right for education in this state? When I came to this chamber three terms ago, we faced a five billion dollar shortfall and we all said we don't have money for a pay raise. When I came here two years ago, we talked about a pay raise and we were flat even in revenue and we all said we don't have money for a pay raise. We come into this chamber this year with a two billion dollar surplus—is what they tell us—but we don't have money for a pay raise.

Yes. We do. When you and I make up our mind. When you and I make up our mind, no one else, that we're going to do right by the teachers of this state and by the children of this state, we will. It just simply takes a vote. For what group of children will we answer that question? For mine? For yours? For our grandchildren?

Think carefully about what you do. I'm not speaking against, I'm not speaking for. I'll vote my conscience, you vote yours. But think about when this bill comes back from conference, if it does, does it reflect the priorities that you and I set, dealing with juvenile justice in a comprehensive way and dealing with public education and being fair to our teachers?

Thank you.

REMARKS ORDERED PRINTED

Representative Price moved to print remarks by Representative Sadler.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions and Investments, 7 p.m. today, E2.026, Capitol Extension, to consider Teacher Retirement System sunset bill.

CSHB 1 - (consideration continued)

CSHB 1, as amended, was passed to engrossment. (Finnell, R. Lewis, Oakley, Williamson, and Zbranek recorded voting no)

REASON FOR VOTES

We are recording a no vote on **CSHB 1** because of several reasons:

- 1) Reduces teacher retirement.
- 2) Does not include pay raises for teachers.
- 3) Does not recognize the needs of public educators.
- 4) Does not recognize the health benefit needs for teachers.

R. Lewis
Williamson
Zbranek
Oakley

HCR 149 - ADOPTED

Representative Kubiak moved to suspend all necessary rules to take up and consider at this time **HCR 149**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Kubiak, et al.,

HCR 149, Commending Don Strickland for his civic contributions.

The resolution was adopted without objection.

On motion of Representative Johnson, the names of all the members of the house were added to **HCR 149** as signers thereof.

RULES SUSPENDED

Representative Oliveira moved to suspend the 5-day posting rule to allow the Committee on Economic Development to consider the bills originally posted for 4 p.m. today.

The motion prevailed without objection.

Representative Marchant moved to suspend the 5-day posting rule to allow the Committee on Financial Institutions to consider the bills originally posted for 4 p.m. today.

The motion prevailed without objection.

Representative Place moved to suspend the 5-day posting rule to allow the Committee on Criminal Jurisprudence to consider **HB 1749**.

The motion prevailed without objection.

Representative Hill moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider the bills originally posted for 3 p.m. today.

The motion prevailed without objection.

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider the bills originally posted for 3 p.m. today.

The motion prevailed without objection.

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider the bills and subject matters originally posted for 2 p.m. today.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State Affairs, 6 p.m. today, E2.014, Capitol Extension, to consider posted calendar originally scheduled for 2 p.m. today.

Natural Resources, 30 minutes after adjournment today, E2.030, Capitol Extension, to consider posted bills.

Juvenile Justice and Family Issues, Subcommittee on **HB 76**, on adjournment today, Desk 120, to consider **CSHB 76**.

Civil Practices, Subcommittee on **HB 1195**, on adjournment today, Desk 80, to consider **HB 1195**.

Urban Affairs, on adjournment today, E2.016, Capitol Extension.

Public Education, on adjournment today, to consider all bills and subject matters originally posted for 2 p.m. today.

Public Safety, Subcommittee on handguns, on adjournment today, E1.026, Capitol Extension.

Financial Institutions, 5:30 p.m. today, to consider posted bills.

REASON FOR VOTE

On March 23, 1995, on Third Reading of **HB 327**, I registered a "no" vote. My reason for voting against the bill at this time is that the bill does not provide adequate resources to local communities to deal with the growing juvenile problems. The bill provides for the progressive sanctions model, but it is not fully funded. The bill fails to address preventive programs for youth.

It is my hope that these and other concerns I have about the bill will be addressed in the remainder of this legislative session.

Luna

ADJOURNMENT

Speaker Laney moved that the house adjourn until 10 a.m. tomorrow in memory of the Honorable Robert E. Johnson.

The motion prevailed without objection.

The house accordingly, at 5:14 p.m., adjourned until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Agriculture and Livestock - **HB 1562**

Business and Industry - **HB 353**

Criminal Jurisprudence - **HB 35**

Economic Development - **HB 1323, HB 1324**

Energy Resources - **HB 1226, HB 1593**

Environmental Regulation - **HB 283, HB 2049, HB 2579**

Higher Education - **HB 85, HB 1479, HB 2066**

Insurance - **HB 776**

Juvenile Justice and Family Issues - **HB 223, HB 418, HB 816, HB 1138, HB 1486, HB 1754, HB 1897**

Natural Resources - **HB 1302, HB 1600, HB 1799, HB 1800, HB 2230, HB 2642, SB 450**

State Affairs - **HB 383**

State, Federal, and International Relations - **HCR 31, HCR 69, HCR 92, HR 11, HR 12, HR 13**

State Recreational Resources - **HB 2182**

Ways and Means - **HB 676, HB 2624**

ENGROSSED

March 23 - **HB 327, HB 592, HB 731, HB 736, HB 770, HB 775, HB 1207**

RECOMMENDATIONS OF THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION FILED WITH THE SPEAKER

The following recommendations of the Texas Natural Resource Conservation Commission were filed with the speaker:

March 27 - **HB 2638, HB 3174**

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